

REGULAR MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

~ APPEALS ~

Friday April 20, 2018
9:00 a.m.
Commission Chambers
1915 N. Stiles Ave.
Oklahoma City, Oklahoma
www.wcc.ok.gov

MINUTES

Members present: Chairman Mark Liotta, Commissioner Jordan Russell and Commissioner Megan Tilly.

Staff present to support the Commission: Lindsey Christopher, Dana Esparza and Monica Pack.

**STATEMENT OF OKLAHOMA OPEN MEETING LAW
COMPLIANCE**

Notice of this Regular Meeting was filed with the Secretary of State's office on Monday, November 13, 2017 at 9:05 a.m., in compliance with the Open Meeting Act.

The Agenda was posted more than 24 hours in advance of the meeting, in compliance with the Open Meeting Act. It was posted on the Commission website and at 1915 North Stiles, the Commission's principal office.

CALL TO ORDERPresiding Appellate Officer, Chairman Liotta

Call to order 9:00 a.m. by Chairman Liotta, Presiding Appellate Officer.

ROLL CALLPresiding Appellate Officer, Chairman Liotta

After the roll call was taken, Chairman Liotta announced the presence of a Quorum.

A. MINUTES:

- The drafted Minutes of the Special Appeal Meeting of March 16, 2018, will be considered for approval.

Commissioner Liotta presented the minutes of the February 9, Meeting for approval.

Motion: Commissioner Tilly made a motion to approve the minutes of the February 9, 2018 Meeting.

Second: Commissioner Russell

Those Voting Aye: Commissioner Liotta, Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: MINUTES APPROVED

B. Appeal Hearings before the Commission En Banc from Orders Issued by the Commission's Administrative Law Judges

Camillo E. Alvarado v. AT&T Corp. & Old Republic Insurance Co., File #CM2015-02986H

Respondent filed an appeal from the order issued by Administrative Law Judge Lawyer. Alex Forbes is the attorney of record for the Claimant. Nichole S. Bryant is the attorney of record for the Respondent.

Chairman Liotta announced on the record that the parties filed for a joint continuance to mediate and attempt to resolve all issues.

THE CASE WAS CONTINUED

Raymond L. Gensman v. Federal Express Corp. (Own Risk #16593) File # CM2015-04689L

Respondent filed an appeal from the order issued by Administrative Law Judge McMillin. Brad W. Wicker represented the Claimant and R. Ted represented the Respondent.

Motion:

After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Russell moved to affirm the Administrative Law Judge's order and issue an order authorizing the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Tilly

Those Voting Aye: Commissioner Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Tennie L. Haggard v. York Manor & CompSource Mutual Ins. Co. (FKA CompSource Oklahoma) File #CM2017-00398J

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Bret Unterschuetz represented the Claimant and Warren E. Mouledoux represented the Respondent.

Motion:

After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order and issue an order authorizing the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Russell

Those Voting Aye: Commissioner Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

James David Pratte v. Custom Seating Inc. & National Fire Insurance Co. of Hartford, File #CM2017-01112J

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Michael Felton represented the Claimant and Angela Reinstein represented Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Russell moved to affirm the Administrative Law Judge's order and instruct Commission Counsel or other staff member to draft a proposed order with findings of fact and conclusions of law.

Second: Commissioner Tilly

Those Voting Aye: Commissioner Liotta, Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

**Albert L. Hudson v. McClain County & CompSource Mutual Ins. Co.,
(FKA CompSource Oklahoma) File #CM2017-01699F**

Respondent filed an appeal from the order issued by Administrative Law Judge Lawyer. Joe Farnan represented the Claimant. Respondent failed to appear.

Pursuant to Commission Rule 810:10-5-66(c), the Commission considered the appeal as submitted on the record.

Motion: After reviewing the record and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order and draft a detailed order with explanation to be considered for approval at a future meeting.

Second: Commissioner Russell

Those Voting Aye: Commissioner Liotta, Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

**Erica Burnett v. Bar S Foods Co. & American Zurich Insurance Co.,
File #CM2017-02609J**

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Mark Litton represented the Claimant and John Shears represented the Respondent.

Motion:

After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order and issue an order authorizing the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Russell

Those Voting Aye: Commissioner Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

C. Commission Consideration of Adoption of Final Order in the Following Case:

Richey C. Gowens v. McAlester Regional Health Center (Own Risk) File #CM2016-05003K

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Bret A. Unterschuetz represented the Claimant and Gregg G. Fuller represented for Respondent.

This case came on for Oral Argument on February 9, 2018. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took the case under advisement. A proposed order affirming the decision of the Administrative Law Judge was drafted and distributed to the Commissioners for consideration of adoption.

Motion: Commissioner Tilly moved to affirm the Administrative Law Judge's order and adopt the proposed order as written.

Second: Commissioner Russell

Those Voting Aye: Commissioner Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

David Phi Duong v. ATC Drivetrain Inc. & Great American Alliance Insurance Co. & Prime Industrial Recruiters Inc., & CompSource Mutual Ins. Co., (FKA CompSource Oklahoma) File #CM2016-05607L

Respondent ATC Drivetrain & Great American Alliance Insurance Co. filed an appeal from the order issued by Administrative Law Judge Sommer. C. Scott Beuch represented the Claimant and John Shears represented Respondent ATC Drivetrain & Great American Alliance Insurance Co. and Robert A. Manchester represented Prime Industrial Recruiters Inc., & CompSource Mutual Ins. Co.

This case came on for Oral Argument on March 16, 2018. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took the case under advisement.

Motion:

After reviewing the record, hearing oral argument of counsel, taking the case under advisement and deliberating, Commissioner Russell moved to affirm the Administrative Law Judge's order and issue an order authorizing the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Tilly

Those Voting Aye: Commissioner Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Maria Contreras v. Johnson Controls Inc., & Indemnity Insurance Co. of North America, File #CM2016-02636A

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Laura Beth Murphy represented the Claimant and Dale R. Kimsey represented the Respondent.

This case came on for Oral Argument on February 9, 2018. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took the case under advisement. A proposed order was drafted and distributed to the Commissioners for consideration of adoption.

Motion: Commissioner Tilly moved to adopt the proposed order as written.

Second: Commissioner Russell

Those Voting Aye: Commissioner Liotta, Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ORDER ADOPTED

Chad Scott Jackson v. BJS Restaurants Operations Co. and Arch Insurance Co. File # CM2016-03984F

Claimant filed an appeal from the order issued by Administrative Law Judge Lawyer. Bob Burke represented the Claimant and Donald A. Bullard represented the Respondent.

This case came on for Oral Argument on March 16, 2018. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took the case under advisement.

Motion: Commissioner Tilly moved continue the case to another next oral argument date.

Second: Commissioner Russell

Those Voting Aye: Commissioner Liotta, Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ORDER CONTINUED

D. Announcements

Commission's next special business meeting is Thursday, May 3, 2018.
Commission's next regular meeting regarding Appeals is scheduled for Friday, May 18, 2018.

ADJOURNMENT

Motion: Commissioner Tilly moved to adjourn the meeting at approximately 11:53 a.m.

Second: Commissioner Russell

Those Voting Aye: Commissioner Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: THE MEETING WAS ADJOURNED.